

**SUPREME COURT MINUTES  
TUESDAY, NOVEMBER 4, 2003  
SACRAMENTO, CALIFORNIA**

The Supreme Court of California convened in the courtroom in the Stanley Mosk Library and Courts Building, Sacramento, California on Tuesday, November 4, 2003, at 1:00 p.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno.

Officers present: Frederick K. Ohlrich, Clerk; and Gray Gray, Calendar Coordinator.

S100360      The People, Plaintiff and Respondent

v.

Christopher Francisco Posey, Defendant and Appellant

Cause called. Randi Covin argued for Appellant.

Jeremy Friedlander, Deputy Attorney General, argued for Respondent.

Mr. Covin replied.

Cause submitted.

S105798      Harry Bonnell, Plaintiff and Respondent

v.

Medical Board of California, Defendant and Appellant

Cause called. Tom Bunton, Senior Deputy County Counsel of San Diego County, argued for Respondent.

Heidi R. Weisbaum, Deputy Attorney General, argued for Appellant.

Mr. Bunton replied.

Cause submitted.

- S094467      Jill Shively, Plaintiff and Appellant  
                 v.  
                 Peter Bozanich, et al., Defendants and Respondents  
                 Cause called. Cindy S. Lee opened argument for Respondents.  
                 Kelli L. Sager, appearing for Amicus Curiae California  
                 Newspapers Publishers Association et al. continued argument for  
                 Respondents.  
                 Gregory Hill argued for Appellant.  
                 Cause submitted.
- S113433      The People, Plaintiff and Respondent  
                 v.  
                 Lisa Robin McCall, Defendant and Appellant  
                 Cause called. Judy Kaida, Deputy Attorney General, argued for  
                 Respondent.  
                 Rebecca P. Jones argued for Appellant.  
                 Ms. Kaida replied.  
                 Cause submitted.

Court recessed until 9:00 a.m., Wednesday, November 5, 2003.

**S119066**

B117225 Second Appellate District,  
B117034 Division Four

## PEOPLE v. SALAZAR

Time extended to grant or deny review

to December 12, 2003

**S119114**

C044757 Third Appellate District

## PIRTLE (JOHN HERMAN) ON H.C.

Time extended to grant or deny review

to December 16, 2003.

**S029588**

## PEOPLE v. RICHARDSON (CHARLES)

Extension of time granted

to January 6, 2004 to file appellant's opening brief. After that date, only three further extensions totaling about 180 additional days will be granted. Extension is granted based upon counsel Richard Jay Moller's representation that he anticipates filing that brief by 6/30/2004.

**S037302**

## PEOPLE v. HINTON (ERIC L.)

Extension of time granted

to December 5, 2003 to file the appellant's reply brief. Extension is granted based upon counsel Jay L. Lichtman's representation that he anticipates filing that brief by 12/5/2003. After that date, no further extension will be granted.

**S049973**

## PEOPLE v. KELLY (DOUGLAS OLIVER)

Extension of time granted

to January 5, 2004 to file appellant's opening brief. The court anticipates that after that date, only one further extension totaling about 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S055130**

PEOPLE v. MORGAN (EDWARD P.)

Extension of time granted

to January 5, 2004 to file appellant's opening brief. After that date, only one further extension totaling about 10 additional days will be granted. Extension is granted based upon Deputy State Public Defender Therene Powell's representation that she anticipates filing that brief by 1/14/2004.

**S074414**

PEOPLE v. ZAMUDIO (SAMUEL J.)

Extension of time granted

to January 2, 2004 to file appellant's opening brief. The court anticipates that after that date, only two further extensions totaling 90 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S112943**

TIPTON-WHITTINGHAM v. LOS ANGELES, CITY

Extension of time granted

On application of defendant and appellant City of Los Angeles and good cause appearing, it is ordered that the time to serve and file appellant City's Response to the Amici Curiae brief filed by Trial Lawyers for Public Justice et al. in support of respondents is extended to and including November 14, 2003.

**S113282**

HEGLER (JAMES EDWARD) ON H.C.

Extension of time granted

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file the Attorney General's informal response to the petition for writ of habeas corpus is extended to and including December 3, 2003.

**S116223**

E028592 Fourth Appellate District,  
Division Two

**FITCH v. SELECT PRODUCTS CO.**

Extension of time granted

On application of claimant and appellant, State Department of Health Services, and good cause appearing, it is ordered that the time to serve and file appellant's answer brief on the merits is extended to and including November 13, 2003.

**S116805****CAIN (TRACY DEARL) ON H.C.**

Extension of time granted

to November 12, 2003 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, no further extension will be granted. Extension is granted based upon Deputy Federal Public Renee Manes's representation that she anticipates filing that document by 11/11/2003.

**S117651**

B150342 Second Appellate District,  
Division Three

**PEOPLE v. HERNANDEZ ET AL.**

Two extensions of time granted

Appellant's (JOSE PABLO HERNANDEZ) time to serve and file the opening brief on the merits is extended to and including December 1, 2003.

Appellant's (JONATHAN FUENTES) time to serve and file the opening brief on the merits is extended to and including December 1, 2003.

**S034473****PEOPLE v. MONTERROSO (CHRISTIAN)**

Order filed

Appellant's "Application for an Expedited Order Allowing Undersigned Counsel to Inspect and Copy Transcripts Sealed for the Benefit of Appellant," filed on October 30, 2003, is granted.

The Clerk is directed to provide the Habeas Corpus Resource Center with access to the following items herein, on such terms and conditions as he deems reasonable:

(1) Clerk's Transcript on Appeal, volume III, pages 823-865;

(2) Supplemental Confidential Clerk's Transcript on Appeal, volumes I and II, pages 1-596.

**S120127**

**GIOVANAZZI ON REINSTATEMENT**  
Petitioner reinstated

Upon petition for reinstatement and recommendation of the State Bar of California, it is ordered that **JOSEPH GIOVANAZZI** be reinstated as a member of the State Bar of California upon payment of the fees and taking the oath required by law.

**S118235**

**JORGENSEN ON DISCIPLINE**  
Recommended discipline imposed

It is ordered that **Allen Christopher Jorgensen, State Bar Number 97647**, be suspended from the practice of law in the State of California for two years and until he makes restitution as set forth below; that execution of the two-year suspension be stayed; and that he be placed on probation for two years on the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on June 25, 2003, including the condition that Jorgensen be actually suspended from the practice of law in this state during the first 75 days of his probation and until he makes restitution to (1) August P. Martinez, or the Client Security Fund if it has paid, in the sum of \$2,725 plus interest thereon at the rate of 10 percent simple interest per annum from March 8, 1999, until paid; (2) Arnie and Robin Estrella, or the Client Security Fund if it has paid, in the sum of \$1,000 plus interest thereon at the rate of 10 percent simple

interest per annum from May 9, 2001, until paid; (3) William Holland, or the Client Security Fund if it has paid, in the sum of \$1,000 plus interest thereon at the rate of 10 percent simple interest per annum from May 13, 2002, until paid; (4) Gayla Reed, or the Client Security Fund if it has paid, in the sum of \$1,000 plus interest thereon at the rate of 10 percent simple interest per annum from February 20, 2002, until paid; (5) Jerry Baker, or the Client Security Fund if it has paid, in the sum of \$700 plus interest thereon at the rate of 10 percent simple interest per annum from June 27, 2002, until paid; (6) David and Dorothy Graves, or the Client Security Fund if it has paid, in the sum of \$1,200 plus interest thereon at the rate of 10 percent simple interest per annum from August 26, 2002, until paid; (7) Lola Salyards, or the Client Security Fund if it has paid, in the sum of \$500 plus interest thereon at the rate of 10 percent simple interest per annum from August 26, 2002, until paid; and (8) Robert Lorimer, or the Client Security Fund if it has paid, in the sum of \$800 plus interest thereon at the rate of 10 percent simple interest per annum from January 3, 2003, until paid; and until Jorgensen provides satisfactory proof to the State Bar's Probation Unit in Los Angeles that he has made of all of the foregoing restitution. If the period of Jorgensen's actual suspension extends for two or more years, he shall remain on actual suspension until he shows proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Jorgensen is ordered to take and pass the Multistate Professional Responsibility Examination within the longer of one year after the effective date of this order or the period of his actual suspension and to provide satisfactory proof of his passage of that examination to the State Bar's Probation Unit within that same period of time. (See *Segretti v.*

*State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.)

Further, if the period of Jorgensen's actual suspension extends for ninety or more days, he is ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S118236**

**WALLACE ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **Carolyn Joan Wallace, State Bar Number 63119**, be suspended from the practice of law in the State of California for two years and until she shows proof satisfactory to the State Bar Court of her rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct; that execution of the two-year suspension be stayed; and that she be placed on probation for three years on the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on June 30, 2003, including the condition that Wallace be actually suspended from the practice of law in this state during the first 90 days of her probation and until she makes restitution to Irene Green, or the Client Security Fund if it has paid, in the amount of \$2,500 plus interest thereon at the rate of 10 percent simple interest per annum from November 9, 2001, until paid and provides satisfactory proof of that restitution to the State Bar's Probation Unit in Los Angeles. If the



period of Wallace's actual suspension extends for two or more years, she shall remain on actual suspension until she shows proof satisfactory to the State Bar

Court of her rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Wallace is ordered to take and pass the Multistate Professional Responsibility Examination within the longer of one year after the effective date of this order or the period of her actual suspension and to provide satisfactory proof of her passage of that examination to the State Bar's Probation Unit within that same period of time. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Further, Wallace is ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar, the full amount of which shall be added to and become a part of Wallace's annual State Bar membership fees for the year 2005. (Bus. & Prof. Code, § 6086.10.)

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S118237**

**THOMPSON ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **BYRON CLAYTON THOMPSON, State Bar No. 85675**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 60 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed June 17, 2003. It is further

ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2004 and 2005.

S118240

FOCHETTI ON DISCIPLINE  
Recommended discipline imposed

It is ordered that **LISA IRENE FOCETTI, State Bar No. 171954**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be actually suspended from the practice of law for 30 days, as recommended by the Hearing Department of the State Bar Court in its decision filed on May 29, 2003; and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating her actual suspension. If respondent is actually suspended for two years or more, she shall remain actually suspended until she provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of respondent's actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually

suspended for 90 days or more, it is further ordered that she comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.\*

Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S119939**

**TUTTLE ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **MATTHEW ARTHUR TUTTLE, State Bar No. 203900**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

